

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KATHY BRADLEY, LORI HESS, and)
KAY KLAUSNER,)
)
Plaintiffs,)
)
vs.) Civil No. 10-cv-00693-JPG-SCW
)
INNER-TITE CORP.,)
)
Defendant.)

MOTION FOR LEAVE TO FILE BRIEF

Comes now the United States of America, by and through its attorneys, Stephen R. Wigginton, United States Attorney for the Southern District of Illinois, and Jennifer Hudson, Assistant United States Attorney for said District, and requests Leave to File Brief.

1. On April 26, 2011, this Court, pursuant to 28 U.S.C. Section 2403 and Federal Rule of Civil Procedure 5.1(b), certified to the Attorney General of the United States that the constitutionality of the *qui tam* provision of 35 U.S.C. Section 292 has been questioned and authorised the United States to intervene in this above captioned action.

2. The Southern District of Illinois received permission to act on behalf of the United States Attorney General and, in a separate filing, enters its appearance for the purpose of defending the constitutionality of 35 U.S.C. Section 292.

3. The United States respectfully requests permission of this court to file a brief in support of the constitutionality of 35 U.S.C. Section 292.

4. Because this office must coordinate its defense of the constitutional provision in question with the Department of Justice in Washington, DC, the undersigned requests that it be granted at least thirty days to file its brief defending the constitutionality of the statute at issue. The undersigned submits a proposed schedule below for briefing if it meets the approval of the Court.

WHEREFORE, the United States of America requests that it be granted a time period of 30 days, up to and including June 30, 2011, in which to file a brief defending the constitutionality of section 292; that plaintiff and defendant be permitted to file responsive briefs (if any) by July 15, 2011; and that any reply brief by the United States of America be filed by July 22, 2011.

Respectfully submitted,

STEPHEN R. WIGGINTON
United States Attorney

/s/ Jennifer Hudson

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